

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

MATTHEW CATANZARO #313263,

Petitioner,

v.

Case No. 2:10-CV-28

DAN QUIGLEY,

HON. GORDON J. QUIST

Respondent.

ORDER ADOPTING
REPORT AND RECOMMENDATION

The Court has before it Petitioner's Objection to the magistrate judge's report and recommendation dated April 7, 2010, in which Magistrate Judge Greeley recommended that Petitioner's motion for a temporary restraining order and preliminary injunction be denied because Petitioner failed to meet his heavy burden of establishing the need for such relief. In his motion, Petitioner sought an order compelling Respondent to transfer Petitioner to a facility where he can have greater access to a law library. The magistrate judge recommended that Petitioner's motion be denied because Petitioner failed to demonstrate that such access was required in order to proceed with the instant habeas corpus action.

After conducting a *de novo* review of the report and recommendation and having considered Petitioner's Objection and accompanying affidavit, the Court concludes that the report and recommendation should be adopted and Petitioner's motion should be denied.

Petitioner makes various allegations in his Objection regarding prison staff reading his legal mail and subjecting him to retaliatory transfers. These allegations may well give rise to claims for

violations of Petitioner's civil rights in an action under 42 U.S.C. § 1983, but they do not answer the magistrate judge's concern, which this Court shares, that Petitioner has not shown that needs access to a law library in order to proceed with his habeas action. Absent some specific and compelling need, the Court concurs with the magistrate judge that injunctive relief is not warranted.

Therefore,

IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation issued April 7, 2010 (docket no. 11) is **APPROVED AND ADOPTED** as the Opinion of this Court.

IT IS FURTHER ORDERED that Petitioner's Motion for Temporary Restraining Order and Preliminary Injunction (docket no. 7) is **DENIED**.

Dated: June 29, 2010

/s/ Gordon J. Quist
GORDON J. QUIST
UNITED STATES DISTRICT JUDGE